

LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council of California

Effective December 18, 2001, January 1, 2002, and July 1, 2002

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AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council of California

Effective December 18, 2001

Rule 6.50. Governing Committee of the Center for Judicial Education and Research

(a) [Establishment and purpose] In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER), which subsequently became the Education Division of the Administrative Office of the Courts. The Governing Committee of CJER was made an advisory committee to the council in 1993 through the adoption of former rule 1029. In 2001, the rule that sets forth the CJER Governing Committee's duties was made consistent with the rules pertaining to other Judicial Council advisory committees, but it continues to acknowledge the historic participation of the California Judges Association.

(Subd (a) adopted effective December 18, 2001.)

(a)(b) [Area of focus] In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER). The purpose of this rule is to formalize the governance of CJER and to recognize the role of the Governing Committee of CJER in developing and maintaining a comprehensive and quality education program on behalf of the Judicial Council for the California judicial branch. The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel.

(Subd (b) relettered and amended effective December 18, 2001; adopted as subd (a) effective January 1, 1999.)

(b)(c) [Additional duties and responsibilities] The committee has the following duties and responsibilities: In addition to the duties described in rule 6.34, the committee must:

- (1) Establishing education policies to promote the quality of justice by ensuring the availability of comprehensive education programs, publications, and other services for the judicial branch; Recommend rules, standards, policies, and procedures for judicial branch education;
- (2) Annually submitting to the council a report on CJER's activities for the prior year; Recommend a strategic long-range plan for judicial branch education;

- (3) ~~Annually presenting for the council's adoption a long-range plan to develop educational programs, publications, and other services; Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;~~
- (4) ~~Submitting to the council a budget request for CJER that is based on the long-range plan and consistent with the Administrative Office of the Courts guidelines; Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;~~
- (5) ~~Approving an annual education plan that is consistent with available funding, with subdivisions (1) and (2), and with Administrative Office of the Courts procedures; Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;~~
- (6) ~~Establishing education priorities, programs, curricula, publications, and teaching materials; Identify the need for and appoint education committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;~~
- (7) ~~Creating and appointing judicial and administrative education planning committees and faculty to carry out the annual education plan; Identify and foster collaborative opportunities with courts to promote and assure the availability of training at the local court level;~~
- (8) ~~As CJER's director may recommend, approving a general allocation of the annual budget for CJER to meet the annual plan's objectives and provide funding for any unforeseen education opportunities or needs that may arise during the year; Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and~~
- (9) ~~Evaluating the quality of participation in judicial and administrative education activities, monitoring the level of participation in those activities, and encouraging all judicial officers and court staff to participate; and Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.~~
- (10) ~~Periodically recommending to the council standards for judicial branch education.~~

(Subd (c) relettered and amended effective December 18, 2001; adopted as subd (b) effective January 1, 1999.)

(e)(d) [Membership] The governing committee shall consists of at least the following members:

- (1) Eight sitting judicial officers, including at least one appellate court justice;
- ~~(2) The president of the California Judges Association or his or her designee as an advisory member;~~
- ~~(3)~~(2) Three judicial administrators;
- ~~(4)~~(3) The Administrative Director of the Courts as an advisory member;
and
- (4) The president of the California Judges Association or his or her designee as an advisory member; and
- (5) Other advisory members as the Chief Justice may appoint.

(Subd (d) relettered and amended effective December 18, 2001; adopted as subd (c) effective January 1, 1999.)

~~**(d) [Terms]** Members will be appointed for two year staggered terms and may serve for two successive terms.~~

(Subd (d) repealed effective December 18, 2001; adopted effective January 1, 1999.)

(e) [Nominations and appointments] ~~The president of the California Judges Association shall submit three nominations for each of four judicial officer positions on the governing committee. The Chief Justice may request additional nominations. Nominations for vacant the remaining four judicial officer positions on the governing committee and for the judicial administrator positions shall will be solicited under the procedures described in rule 6.32. The president of the California Judges Association may submit nominations to the Executive and Planning Committee.~~

(Subd (e) amended effective December 18, 2001.)

(f) [Chair and vice-chair] The Chief Justice appoints the chair and vice-chair. The governing committee shall may make recommendations to the Chair of the Judicial Council on the selection of its chair and vice chair Chief Justice for these two positions.

(Subd (f) amended effective December 18, 2001.)

~~(g) [Adoption of bylaws] The governing committee shall adopt bylaws for meetings, quorums, duties of the chair and vice chair, creation of standing and ad hoc subcommittees, and other governing committee business. All bylaws shall be submitted to the council for approval.~~

(Subd (g) repealed effective December 18, 2001.)

Rule 6.50 amended effective December 18, 2001; adopted effective January 1, 1999.

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council of California

Effective January 1, 2002

Rule 76. Authority and Duties of administrative presiding justice

- (a) [General responsibilities] The administrative presiding justice is responsible for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

(Subd (a) adopted effective January 1, 2002.)

- (b) [Duties] An administrative presiding justice ~~shall~~:

- (1) ~~Have~~s general direction and supervision of the clerk/administrator and of all court employees except those specifically assigned to a particular justice or division ~~and employees in the office of the clerk;~~
- (2) ~~Have~~s the authority of a presiding justice with respect to any matters that have not been assigned to a particular division of the court except that the administrative presiding justice ~~shall~~ haves no authority over the assignment of cases to a division unless such assignment is authorized under rule 47;
- (3) ~~Cooperate~~s with the Chief Justice and any officer authorized to act for the Chief Justice in connection with the making of reports and the assignment of judges or retired judges under Section 6, Article VI, of the California Constitution;
- (4) ~~Cooperate~~s with the Chief Justice in expediting judicial business and equalizing the work of judges when appropriate by recommending the transfer of cases by the Supreme Court under Section 12, Article VI, of the California Constitution;
- (5) ~~Act~~s on behalf of the court ~~with the approval of a majority of the judges in the district,~~ in connection with general court administration, including matters involving personnel; “General court administration” refers to the day-to-day operations of the court. The administrative presiding justice must secure the approval of a majority of the justices in the district before implementing any change in court policies; and

- (6) Haves sole authority within his or her district with regard to the budget as allocated by the Chair of the Judicial Council, including but not limited to budget transfers, execution of purchase orders, obligation of funds, and approval of payments; and
- (7) Has sole authority within his or her district over the operation, maintenance, renovation, expansion and assignment of all facilities used and occupied by the district except as provided in subdivision [c].

(Subd (b) relettered and amended effective January 1, 2002; adopted as untitled subdivision effective July 1, 1970; previously amended effective July 1, 1994.)

(c) [Geographically separate divisions] Under the general oversight of the administrative presiding justice, a presiding justice of a geographically separate division:

- (1) Generally directs and supervises all division court employees not assigned to a particular justice;
- (2) Has authority to act on behalf of the division regarding day-to-day operations;
- (3) Administers the division budget for day-to-day operations, including expenses for maintenance of facilities and equipment; and
- (4) Operates, maintains, and assigns space in all facilities used and occupied by the division.

(Subd (c) adopted effective January 1, 2002.)

Rule 76 amended effective January 1, 2002; adopted effective July 1, 1970; previously amended effective July 1, 1994.

Rule 76.1. Authority and duties of appellate clerk/administrator

- (a) [Selection]** An appellate court may employ a clerk/administrator selected in accordance with procedures adopted by the court.
- (b) [General responsibilities]** Acting under the general direction and supervision of the administrative presiding justice, the clerk/administrator is responsible for planning, organizing, coordinating, and directing with full authority and accountability the management of the Office of the Clerk of the Court and all non-judicial administrative support activities in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial

and other resources, increases efficiency in court operations, and enhances service to the public.

(c) [Duties] Under the direction of the administrative presiding justice and consistent with the law and rules of court, the clerk/administrator:

- (1) (Personnel) Provides general direction to and supervision of all the employees of the court who are assigned to the clerk/administrator by the administrative presiding justice, and ensures that a full range of human resources support is provided to the court;
- (2) (Budget) Develops, administers, and monitors the budget of an appellate court and develops practices and procedures to ensure that annual expenditures are within the court's budget;
- (3) (Contracts) Negotiates contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws;
- (4) (Calendar management) Supervises and employs efficient calendar and caseload management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques;
- (5) (Technology) Coordinates technological and automated systems activities to assist the court;
- (6) (Facilities) Coordinates facilities, space planning, court security, and business services support, including the purchase and management of equipment and supplies;
- (7) (Records) Creates and manages uniform record-keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council;
- (8) (Recommendations) Identifies problems, recommending policy, procedural, and administrative changes to the court;
- (9) (Public relations) Represents the court to internal and external customers, including the other branches of government, on issues pertaining to the court;
- (10) (Liaison) Acts as liaison to other governmental agencies;
- (11) (Committees) Provides staff for judicial committees;

- (12) (Administration) Develops and implements administrative and operational programs and policies for the court and for the Office of the Clerk of the Court; and
- (13) (Other) Performs other duties as the administrative presiding justice directs.
- (d) [Geographically separate divisions]** Under the general oversight of the appellate clerk/administrator, an assistant clerk/administrator of a geographically separate division has responsibility for the non-judicial administrative support activities of his or her division.

Rule 76.1 adopted effective January 1, 2002.

Rule 1257.4. Education, experience, and training standards for court-appointed child custody investigators and evaluators

- (a) [Authority]** This rule is adopted under article VI, section 6 of the California Constitution and Family Code sections 211 and 3110.5.
- (b) [Purpose]** As required by Family Code section 3110.5, this rule establishes education, experience, and training requirements for child custody evaluators who are appointed only under Family Code section 3111, Evidence Code section 730, or Code of Civil Procedure section 2032. Additional training requirements for these child custody evaluators are contained in rule 1257.7.
- (c) [Definitions]** For purposes of this rule:
 - (1) A “child custody evaluator” is a court-appointed investigator as defined in Family Code section 3110.
 - (2) A “child custody evaluation” is an expert investigation and analysis of the health, safety, welfare, and best interest of a child with regard to disputed custody and visitation issues.
 - (3) A “full evaluation, investigation, or assessment” is a comprehensive examination of the health, safety, welfare, and best interest of the child.
 - (4) A “partial evaluation, investigation, or assessment” is an examination of the health, safety, welfare, and best interest of the child that is limited by court order in either time or scope.
 - (5) The terms “evaluation,” “investigation,” and “assessment” are synonymous.

(6) “Best interest of the child” is described in Family Code section 3011.

(d) [Requirements for evaluators’ qualifications: education, experience, and training] Persons appointed as child custody evaluators must:

- (1) Effective January 1, 2004, complete a total of 40 hours of initial training and education as described in subdivision (e). At least 20 of the 40 hours of education and training required by this rule must be completed by January 1, 2003;
- (2) Comply with the training requirements described in rule 1257.7;
- (3) Fulfill the experience requirements described in subdivision (f); and
- (4) Meet the continuing education, experience, and training requirements described in subdivision (g).

(e) [Education and training requirements] Only education acquired after January 1, 2000 that meets the requirements for training and education providers described in subdivision (n) meets the requirements of this rule. Ten of the hours required by this rule may be earned through self-study that is supervised by a training provider who meets the requirements described in subdivision (n). Serving as the instructor in a course meeting the requirements described in subdivision (n) in one or more of the subjects listed in paragraphs (1) through (21) below can be substituted for completion of the requisite number of hours specified in subdivision (d) on an hour-per-hour basis, but each subject taught may be counted only once. The hours required by this rule must include, but are not limited to, all of the following subjects:

- (1) The psychological and developmental needs of children, especially as those needs relate to decisions about child custody and visitation;
- (2) Family dynamics, including, but not limited to, parent-child relationships, blended families, and extended family relationships;
- (3) The effects of separation, divorce, domestic violence, child sexual abuse, child physical or emotional abuse or neglect, substance abuse, and interparental conflict on the psychological and developmental needs of children and adults;
- (4) The assessment of child sexual abuse issues required by Family Code section 3110.5(b)(2)(A)–(F) and Family Code section 3118; local procedures for handling child sexual abuse cases; and the effect that court procedures may have on the evaluation process when there are allegations of child sexual abuse;

- (5) The significance of culture and religion in the lives of the parties;
- (6) Safety issues that may arise during the evaluation process and their potential effects on all participants in the evaluation;
- (7) When and how to interview or assess adults, infants, and children; gather information from collateral sources; collect and assess relevant data; and recognize the limits of data sources' reliability and validity;
- (8) The importance of addressing issues such as general mental health, medication use, and learning or physical disabilities;
- (9) The importance of staying current with relevant literature and research;
- (10) How to apply comparable interview, assessment, and testing procedures that meet generally accepted clinical, forensic, scientific, diagnostic, or medical standards to all parties;
- (11) When to consult with or involve additional experts or other appropriate persons;
- (12) How to inform each adult party of the purpose, nature, and method of the evaluation;
- (13) How to assess parenting capacity and construct effective parenting plans;
- (14) Ethical requirements associated with the child custody evaluator's professional license and rule 1257.3;
- (15) The legal context within which child custody and visitation issues are decided and additional legal and ethical standards to consider when serving as a child custody evaluator;
- (16) The importance of understanding relevant distinctions among the roles of evaluator, mediator, and therapist;
- (17) How to write reports and recommendations, where appropriate;
- (18) Mandatory reporting requirements and limitations on confidentiality;
- (19) How to prepare for and give court testimony;
- (20) How to maintain professional neutrality and objectivity when conducting child custody evaluations; and

- (21) The importance of assessing the health, safety, welfare, and best interest of the child or children involved in the proceedings.
- (f) [Experience requirements]** Persons appointed as child custody evaluators must satisfy initial experience requirements by:
- (1) Completing or supervising three court-appointed partial or full child custody evaluations including a written or an oral report between January 1, 2000, and July 1, 2003; or
 - (2) Conducting six child custody evaluations in consultation with another professional who meets the education, experience, and training requirements of this rule.
- (g) [Continuing education and training]** Effective January 1, 2004, persons appointed as child custody evaluators must annually attend 8 hours of update training covering subjects described in subdivision (e) after completing the initial 40 hours of training. This requirement is in addition to the annual update training described in rule 1257.7.
- (h) [Ongoing clinical consultation]** When conducting evaluations, persons appointed as child custody evaluators should, where appropriate, seek guidance from professionals who meet the requirements of this rule.
- (i) [Court employees]** Effective January 1, 2004, court-connected evaluators may conduct evaluations if they have already completed at least 20 hours of the training required in subdivision (d) of this rule and meet all of the qualifications established by this rule within 12 months after completing the 20-hour requirement. During the period in which a court-connected evaluator does not yet meet the requirements of this rule, a court-connected professional who meets the requirements of the rule must supervise the court-connected evaluator's work.
- (j) [Alternative appointment criteria]** If the court appoints a child custody evaluator under Family Code section 3110.5(d), the court must require that the evaluator:
- (1) Possess a master's or doctoral degree in psychology, social work, marriage and family counseling, or another behavioral science substantially related to working with families; and
 - (2) Have completed the education, experience, and training requirements in subdivisions (e) and (g) of this rule.

(k) [Licensing requirements] On or after January 1, 2005, persons appointed as child custody evaluators must meet the criteria set forth in Family Code section 3110.5(c)(1)–(5).

(l) [Responsibility of the courts] Each court:

- (1) On or before January 1, 2004, must develop local court rules to implement this rule that:
 - (A) Provide for acceptance of and response to complaints about an evaluator’s performance, and
 - (B) Establish a process for informing the public about how to find qualified evaluators in that jurisdiction;
- (2) Effective January 1, 2004, must use the Judicial Council form *Order Appointing Child Custody Evaluator* (FL-327) to appoint a private child custody evaluator or a court-connected evaluation service. Form FL-327 may be supplemented with local court forms;
- (3) Must provide the Judicial Council with a copy of any local court forms used to implement this rule; and,
- (4) As feasible and appropriate, may confer with education and training providers to develop and deliver curricula of comparable quality and relevance to child custody evaluations for both court-connected and private child custody evaluators.

(m) [Child custody evaluator] A person appointed as a child custody evaluator must:

- (1) Effective January 1, 2004, complete and file with the court Judicial Council form *Declaration of Child Custody Evaluator Regarding Qualifications* (FL-326). This form must be filed no later than 10 court days after receipt of notification of the appointment and before any work on the child custody evaluation has begun, unless the person is a court-connected employee who is required to file annually with the court Judicial Council form *Declaration of Child Custody Evaluator Regarding Qualifications* (FL-326);
- (2) At the beginning of the child custody evaluation, inform each adult party of the purpose, nature, and method of the evaluation, and provide information about the evaluator’s education, experience, and training;

- (3) Use interview, assessment, and testing procedures that are consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards;
 - (4) Have a license in good standing if licensed at the time of appointment, except as described in Family Code section 3110.5(d);
 - (5) Be knowledgeable about relevant resources and service providers; and
 - (6) Prior to undertaking the evaluation or at the first practical moment, inform the court, counsel, and parties of possible or actual multiple roles or conflicts of interest.
- (n) [Training and education providers]** Eligible providers may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, court-connected groups, and the Administrative Office of the Courts. Eligible providers must:
- (1) Ensure that the training instructors or consultants delivering the training and education programs either meet the requirements of this rule or are experts in the subject matter;
 - (2) Monitor and evaluate the quality of courses, curricula, training, instructors, and consultants;
 - (3) Emphasize the importance of focusing the child custody evaluation on the health, safety, welfare, and best interest of the child;
 - (4) Distribute a certificate of completion to each person who has attended the training. The certificate will document the number of hours of training offered, the number of hours the person attended, the dates of the training, and the name of the training provider; and
 - (5) Meet the approval requirements described in subdivision (o).
- (o) [Eligible training]** Effective July 1, 2003, eligible training and education programs must be approved by the Administrative Director of the Courts. Training and education taken between January 1, 2000, and July 1, 2003, may be applied toward the requirements of this rule if it addresses the subjects listed in subdivision (e), and is either certified for continuing education credit by a professional provider group or offered as part of a related postgraduate degree or licensing program.

Rule 1257.4 adopted effective January 1, 2002.

Rule 6.56. Collaborative Justice Courts Advisory Committee

(a)–(c) ***

(d) ~~[Review of need for advisory committee]~~ The committee shall report in writing to the Judicial Council by November 1, 2001, setting forth with specificity its progress in discharging the duties set forth in subdivision (b) and assessing whether the committee should be dissolved or should continue to exist and, if so, whether it should maintain its current structure and charge.

Rule 6.56 amended effective January 1, 2002; adopted effective January 1, 2000.

**AMENDMENTS TO THE CALIFORNIA RULES OF COURT
AND THE STANDARDS OF JUDICIAL ADMINISTRATION**

Adopted by the Judicial Council of California
Effective July 1, 2002

TITLE TWO. Pretrial and Trial Rules

DIVISION I. Rules for the Trial Courts

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts; Division amended effective July 1, 2002; adopted effective January 1, 1949 pursuant to the authority contained in Section 6, Article VI, California Constitution, and Code of Civil Procedure section 575; previously amended effective January 1, 2001.

CHAPTER 1. ~~Rules 200 to 203.5~~ General Provisions

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 1, General Provisions amended effective July 1, 2002; adopted effective January 1, 1949; rule 200 included January 1, 2001.

Rule 201.7. Time for service of complaint, cross-complaint, and response

- (a)** **[Applicability]** This rule applies to the service of pleadings in civil cases except for unlawful detainer actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law.
- (b)** **[Service of complaint]** The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint. When the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint.
- (c)** **[Service of cross-complaint]** A cross-complaint against a party who has appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed. If the cross-complaint adds new parties, the cross-complaint must be served on all parties and proofs of service on the new parties must be filed within 30 days of the filing of the cross-complaint.
- (d)** **[Timing of responsive pleadings]** The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint.

- (e) **[Modification of timing; application for order extending time]** The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (b)–(d). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.
- (f) **[Failure to serve]** Unless the court has granted an order extending the time to serve a complaint or cross-complaint, the failure to serve and file pleadings as required under this rule may result in an Order to Show Cause being issued as to why sanctions shall not be imposed.
- (g) **[Request for entry of default]** If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the plaintiff within 10 days after the time for service has elapsed must file a request for entry of default. Failure to timely file the request for the entry of default may result in an Order to Show Cause being issued as to why sanctions shall not be imposed.
- (h) **[Default judgment]** When a default is entered, the party who requested the entry of default must obtain a default judgment against the defaulting party within 45 days after entry of default, unless the court has granted an extension of time. Failure to obtain entry of judgment against a defaulting party or to request an extension of time to apply for a default judgment may result in an Order to Show Cause being issued as to why sanctions shall not be imposed.
- (i) **[Order to Show Cause]** When the court issues an Order to Show Cause under this rule, responsive papers to the Order to Show Cause must be filed and served no less than 5 calendar days before the hearing.

Rule 201.7 adopted effective July 1, 2002.

Rule ~~982.2~~ 201.8. Case cover sheet required

- (a) ***
- (b) **[List of cover sheets]**
 - (1) ~~Civil Case Cover Sheet~~ *Civil Case Cover Sheet* (form 982.2(b)(1))—required in each civil action or proceeding, except those filed in small claims court or filed under the Probate Code, Family Law Code, or Welfare and Institutions Code.

(2) ***

(Subd (b) amended effective July 1, 2002.)

(c) ***

Rule 201.8 renumbered and amended effective July 1, 2002; adopted as rule 982.2 effective July 1, 1996; previously amended effective January 1, 2000, and January 1, 2002.

Rule ~~1590.1~~ 201.9. Information about ADR Alternative Dispute Resolution

(a) **[Court to provide information package]** Each court ~~shall~~ must make available to the plaintiff, at the time of filing of the complaint, an Alternative Dispute Resolution (ADR) information package that includes, at a minimum, all of the following:

(1) General information about the potential advantages and disadvantages of ADR and descriptions of the principal ADR processes. The Administrative Office of the Courts ~~shall~~ has prepared model language that the courts may use to provide this information.

(2)–(4) ***

(Subd (a) amended effective July 1, 2002.)

(b) **[Court may make package available on Web site]** A court may make the ADR information package available on its Web site as long as paper copies are also made available in the clerk's office.

(Subd (b) adopted effective July 1, 2002.)

~~(b)~~(c) **[Plaintiff to serve information package]** The plaintiff ~~shall~~ must serve a copy of the ADR information package on each defendant along with the complaint. Cross-complainants ~~shall~~ must serve a copy of the ADR information package on any new parties to the action along with the cross-complaint.

(Subd (c) amended and relettered effective July 1, 2002; adopted as subd (b) effective January 1, 2001.)

Rule 201.9 renumbered and amended effective July 1, 2002; adopted as rule 1590.1 effective January 1, 2001.

CHAPTER 2. Civil Trial Court Management Rules

Title Two, Pretrial and Trial Rules—Division 1, Rules for the Trial Courts—Chapter 2, Civil Trial Court Management Rules; adopted effective January 1, 1985.

PART 1. Management Duties

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 2, Civil Trial Court Management Rules—Part 1, Management Duties; adopted effective January 1, 1985.

Rule 204.1. Case management and calendaring system

Each court must adopt a case management and calendaring system for general civil cases that will advance the goals set forth in section 2 of the California Standards of Judicial Administration.

Rule 204.1 adopted effective July 1, 2002.

Rule ~~208~~ 204.2. Internal management procedures

Each trial court ~~shall~~ must:

(1)–(4) ***

Rule 204.2 renumbered and amended effective July 1, 2002; adopted as rule 208 effective January 1, 1985.

PART 2. Differential Case Management

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 2, Civil Trial Court Management Rules—Part 2, Differential Case Management; adopted effective July 1, 2002.

Rule ~~2101~~ 205. Authority

The rules in this ~~division~~ chapter implement section 68603(c) of the Government Code under the Trial Court Delay Reduction Act of 1990.

Rule 205 renumbered and amended effective July 1, 2002; adopted as rule 2101 effective July 1, 1991.

Rule ~~2102~~ 206. Local court rules

Each court ~~shall~~ must adopt local rules on differential case management as provided in this ~~division chapter~~ consistent with rules 212 ~~and 512~~ of the California Rules of Court and the statement of general principles set forth in section 2 of the California Standards of Judicial Administration.

Rule 206 renumbered and amended effective July 1, 2002; adopted as rule 2102 effective July 1, 1991; previously amended effective January 1, 1994, and January 1, 2000.

**Rule ~~2103~~ 207. ~~Dates for Application; cases included in delay reduction program;~~
exceptions**

- (a) ~~[New and existing cases Application]~~ The rules in this ~~division chapter~~ apply to ~~general civil cases filed in a delay reduction program after June 30, 1991, and all general civil cases filed in the trial courts after June 30, 1992.~~ The court may order any other general civil case be included in the differential case management program upon notice to the parties.

(Subd (a) amended effective July 1, 2002; previously amended effective January 1, 1994.)

- (b) **[General civil case]** As used in this ~~division chapter~~, “general civil case” means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims ~~appeals proceedings, unlawful detainer proceedings,~~ and “other civil petitions” as defined ~~in the Regulations on Superior Court Reports to the Judicial Council including petitions for a writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name~~ by the Judicial Branch Statistical Information Data Collection Standards.

(Subd (b) amended effective July 1, 2002.)

- (c) **[Uninsured motorist]** To allow for arbitration of the plaintiff’s claim, the rules in this ~~division chapter~~ shall do not apply to a case designated by the court as “uninsured motorist” until 180 days after the designation.

(Subd (c) amended effective July 1, 2002.)

- (d) **[Coordination]** The rules in this ~~division chapter~~ shall do not apply to any case included in a petition for coordination. If the petition is granted, the coordination trial judge may establish a case progression plan for the cases, which may be within one of the three case~~/~~management plans or, after appropriate findings, within the exceptional case category.

(Subd (d) amended effective July 1, 2002.)

Rule 207 renumbered and amended effective July 1, 2002; adopted as rule 2103 effective July 1, 1991; previously amended effective January 1, 1994.

Rule ~~2104~~ 208. Delay reduction goals

- (a) **[Case management goals]** The rules in this ~~division~~ chapter are adopted to advance the goals of section 68607 of the Government Code and section 2 of the California Standards of Judicial Administration Recommended by the Judicial Council within the time limits specified in section 68616 of the Government Code.

(Subd (a) amended effective July 1, 2002.)

- (b) **[Case/disposition time goals]** The goal of the court ~~shall be~~ is to manage general civil cases from filing to disposition as provided under sections 2.1 and 2.3 of the California Standards of Judicial Administration.

(Subd (b) amended effective July 1, 2002; previously amended effective January 1, 1994.)

- (c) **[Judges' responsibility]** It ~~shall be~~ is the responsibility of judges to achieve a just and effective resolution of each general civil case through active management and supervision of the pace of litigation from the date of filing to disposition.

(Subd (c) amended effective July 1, 2002.)

Rule 208 renumbered and amended effective July 1, 2002; adopted as rule 2104 effective July 1, 1991; previously amended effective January 1, 1994.

Rule ~~2105~~ 209. Differentiation of cases to achieve goals

- (a) **[Evaluation and assignment]** The court ~~shall~~ must evaluate each case as provided in rule ~~2106~~ 210 under procedures adopted by local court rules. After evaluation, the court ~~shall~~ must:

- (1) Assign each case to one of the three case~~/~~management plans listed in ~~subdivision (b);~~ or
- (2) Exempt the case under ~~subdivision (d)~~ from the case~~/~~disposition time goals specified in rule ~~2104(b)~~ 208(b); or

- (3) Assign the case under ~~subdivision~~ (e) to the local case/_management plan.

(Subd (a) amended effective July 1, 2002.)

- (b) **[Case/_management plans]** Time of disposition under the following case/_management plans ~~shall be~~ is, from the date of filing:

- (1) Plan 1, ~~disposition within~~ 12 months;
(2) Plan 2, ~~disposition within~~ 18 months;
(3) Plan 3, ~~disposition within~~ 24 months.

(Subd (b) amended effective July 1, 2002.)

- (c) **[Case/_management Plan 1]** The court may by local rule presume that a case is subject to the disposition goal under case/_management Plan 1 when the case is filed or as otherwise provided by the court. The court may modify the assigned case/_management plan at any time for good cause shown.

(Subd (c) amended effective July 1, 2002; previously amended effective January 1, 1994.)

- (d) **[Exceptional cases]** The court may in the interest of justice exempt a general civil case from the case/_disposition time goals if it finds the case involves exceptional circumstances that will prevent the court and the parties from meeting the goals and deadlines imposed by the program. In making the determination, the court ~~shall be~~ is guided by rules ~~2106~~ 210 and 1800.

If the court exempts the case from the case/_disposition time goals, the court ~~shall~~ must establish a case/_progression plan and monitor the case to ensure timely disposition consistent with the exceptional circumstances, with ~~a~~ the goal ~~for~~ of ~~dispositioning of the case~~ within three years.

(Subd (d) amended effective July 1, 2002; previously amended effective January 1, 2000.)

- (e) **[Local case/_management plan]** The court may by local rule adopt a case/_management plan that establishes a goal for disposing of appropriate cases within six to nine months after filing. The plan ~~shall~~ must establish a procedure to identify the cases to be assigned to the plan. The plan ~~shall~~ must be used only for uncomplicated cases ~~most~~ amenable to early disposition that ~~may do~~ not need a case management conference ~~or first status conference or~~ review or similar event to guide the case to early resolution.

(Subd (e) amended effective July 1, 2002; previously amended effective January 1, 1994.)

Rule 209 renumbered and amended effective July 1, 2002; adopted as rule 2105 effective July 1, 1991; previously amended effective January 1, 1994, and January 1, 2000.

Rule ~~2106~~ 210. Case evaluation factors

In applying rule ~~2105~~ 209, the court ~~shall~~ must estimate the maximum time that will reasonably be required to dispose of each case in a just and effective manner. The court ~~shall~~ must consider the following factors and any other information the court deems relevant, understanding that no one factor or set of factors ~~shall~~ will be controlling and that cases may have unique characteristics incapable of precise definition:

(1)–(18) ***

Rule 210 renumbered and amended effective July 1, 2002; adopted as rule 2106 effective July 1, 1991.

PART 23. Caseflow Management

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 2, Civil Trial Court Management Rules—Part 3, Case Management; renumbered and amended effective July 1, 2002; adopted as Part 2 effective January 1, 1985.

Rule ~~209~~. Civil cases at issue

- (a) ~~[At issue memorandum]~~ A civil case not subject to the Trial Court Delay Reduction Act may be placed on the civil active list or be set for trial when the court deems the case to be at issue or, if the court so requires, (i) when the parties have filed a joint at issue memorandum, or (ii) when a party has served and filed an at issue memorandum. ~~The at issue memorandum shall include the following:~~

- ~~(1) — the title and number of the case;~~
- ~~(2) the nature of the case;~~
- ~~(3) a statement that all essential parties have been served with process or have appeared and that the case is at issue as to those parties;~~
- ~~(4) whether the case is entitled to legal preference, and, if so, a citation to the section of the code or statute granting the preference;~~
- ~~(5) whether a jury trial is demanded;~~

- ~~(6) the time estimated for trial; and~~
- ~~(7) the names, addresses, and telephone numbers of the attorneys for the parties or of parties appearing without counsel.~~

~~For purposes of this rule and rule 210, a case may be considered at issue notwithstanding any cross complaint that is not at issue.~~

~~This rule shall not affect the authority of the court to order a severance of a cross complaint pursuant to Code of Civil Procedure section 1048.~~

- ~~(b) **[Cross complaints]** Any case, whether or not subject to the Trial Court Delay Reduction Act, may be considered at issue notwithstanding any cross complaint that is not at issue.~~

~~This rule shall not affect the authority of the court to order a severance of a cross complaint pursuant to Code of Civil Procedure section 1048.~~

- ~~(e) **[Judicial arbitration]** In courts having judicial arbitration under Code of Civil Procedure section 1141.11, the at issue memorandum shall state~~

- ~~(1) whether the case is suitable for placement on the arbitration hearing list, and a statement of reasons if a party claims that it is not;~~
- ~~(2) whether the plaintiff elects or the parties stipulate that the case be placed on the arbitration hearing list; and~~
- ~~(3) the type of injury and special damages in a personal injury case, and the amount of damages and relief sought in any other case.~~

- ~~(d) **[Countermemorandum]** A party not in agreement with the information or estimates given in an at issue memorandum shall within 10 days after service of the memorandum, or within 5 days after service in an unlawful detainer proceeding, serve and file a countermemorandum on the party's behalf.~~

Rule 209 repealed effective July 1, 2002; adopted effective January 1, 1985; previously amended effective January 1, 1991, January 1, 1995, and January 1, 2001.

Rule 210. Civil active list

~~The court may maintain a record of all cases not subject to the Trial Court Delay Reduction Act in which an at issue memorandum or order deeming the case to be at issue has been filed. The record shall be known as the civil active list and shall be arranged in the order in which the at issue memoranda and at issue orders are filed.~~

Rule 210 repealed effective July 1, 2002; adopted effective January 1, 1985; previously amended effective January 1, 1991, and January 1, 1995.

Rule 211. ~~Arbitration status conference~~

- (a) ~~[The conference]~~ Unless otherwise provided by law, courts having more than three judges and a judicial arbitration program under Code of Civil Procedure section 1141.11 shall hold an arbitration status conference in every case where suitability for judicial arbitration must be determined unless the plaintiff elects or the parties stipulate that the case be placed on the arbitration hearing list. The conference shall be held within 30 to 90 days after the filing of the at-issue memorandum but no later than 90 days before trial, unless otherwise ordered by the court for good cause.
- (b) ~~[Persons attending]~~ The persons attending the conference shall have sufficient knowledge of the case to inform the court of the suitability of placing the case on the arbitration hearing list.
- (c) ~~[Action at conference]~~ At the conference the court may
 - (1) ~~order a case which it determines is not ready to be set for trial to be removed from the civil active list;~~
 - (2) ~~order the case placed on the arbitration hearing list;~~
 - (3) ~~conduct a trial setting conference as provided in rules 218, 219, and 220 if the case can be set for trial within 90 to 120 days after the arbitration status conference or at any earlier time as the parties may agree or the court orders;~~
 - (4) ~~assign a time and place for a trial setting conference if the case cannot be set as provided in subdivision (c)(3) but can be given a date certain for trial within 120 to 180 days after the arbitration status conference;~~
 - (5) ~~assign a time and place for a pretrial conference if required by local rules; or~~
 - (6) ~~set a status conference if the case cannot be set for trial, trial setting conference, or pretrial conference as provided in this subdivision; and~~
 - (7) ~~conduct settlement discussions whenever appropriate.~~

Rule 211 repealed effective July 1, 2002; adopted effective January 1, 1985.

**Rule 212. Case management conference; ~~and meet-and-confer requirement; and~~
case management order**

- (a) [Initial case management review]** In every general civil case except complex cases and cases exempted under rules 207(c)–(d), 209(d)–(e), and 214, the court must review the case no later than 180 days after the filing of the initial complaint.

(Subd (a) adopted effective July 1, 2002.)

(a)(b) [Case management conference ~~permitted by local rule~~]

- (1) (Case management conference) ~~Where permitted by local rule, In each case, the court must set a case management conference to review the case. may be held if requested by all parties or ordered by the court, either on its own motion or on the noticed motion of a party. A request for a conference shall not be granted if to do so will in the opinion of the court unreasonably interfere with bringing the case to trial or will result in an unfair advantage to any party. Notice of the date of the case management conference must be given to all parties no later than 45 days before the conference, unless otherwise ordered by the court. The court may provide by local rule for the time and manner of giving notice to the parties. At the conference, counsel for each party and each self-represented party must appear personally or, if permitted under rule 298(c)(2), by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in (e)–(f).~~
- (2) (Case management order without appearance) If, based on its review of the written submissions of the parties and such other information as is available, the court determines that appearances at the conference are not necessary, the court may issue a case management order and notify the parties that no appearance is required.
- (3) (Option to excuse attendance at conferences in limited civil cases.) In all general civil cases except those exempted under (a), the court must review the case and issue a case management order under this rule, but by local rule the court may provide that counsel and self-represented parties are not to attend a case management conference in limited civil cases, unless ordered to do so by the court.

(Subd (b) renumbered and amended effective July 1, 2002; adopted as subd (a) effective January 1, 1985.)

- (c) [Special order or request for a case management conference]** The court on its own motion may order, or a party or parties may request, that a case management conference be held at any time.

(Subd (c) adopted effective July 1, 2002.)

- (d) [Arbitration determination]** In courts having a judicial arbitration program under Code of Civil Procedure section 1141.11, the court at the time of the case management conference or review must determine if the case is suitable for judicial arbitration.

(Subd (d) adopted effective July 1, 2002.)

- (e) [Subjects to be considered at the case management conference]** In any case management conference or review under this rule, the parties must address, if applicable, and the court may take appropriate action with respect to, the following:

- (1) Whether there are any related cases;
- (2) Whether all parties named in the complaint or cross-complaint have been served, have appeared, or have been dismissed;
- (3) Whether any additional parties may be added or the pleadings may be amended;
- (4) Whether, if the case is a limited civil case, the economic litigation procedures under Code of Civil Procedure section 90 et seq. will apply to it or the party intends to bring a motion to exempt the case from these procedures;
- (5) Whether any other matters (e.g., the bankruptcy of a party) may affect the court's jurisdiction or processing of the case;
- (6) Whether the parties have stipulated to, or the case should be referred to, judicial arbitration or any other form of Alternative Dispute Resolution (ADR) and, if so, the date by which the ADR must be completed;
- (7) Whether an early settlement conference should be scheduled and, if so, on what date;
- (8) Whether discovery has been completed and, if not, the date by which it will be completed;
- (9) What discovery issues are anticipated;
- (10) Whether the case should be bifurcated;

- (11) Whether there are any cross-complaints that are not ready to be set for trial and, if so, whether they should be severed;
- (12) Whether the case is entitled to any statutory preference and, if so, the statute granting the preference;
- (13) Whether a jury trial is demanded, and, if so, the identity of each party requesting a jury trial;
- (14) If the trial date has not been previously set, the date by which the case will be ready for trial and the available trial dates;
- (15) The estimated length of trial;
- (16) The nature of the injuries;
- (17) The amount of damages, including any special or punitive damages;
- (18) Any additional relief sought;
- (19) Whether there are any insurance coverage issues that may affect the resolution of the case; and
- (20) Any other matters that should be considered by the court or addressed in its case management order.

(Subd (e) adopted effective July 1, 2002.)

~~(b)~~**(f) [Meet-and-confer requirement]** Unless the court orders another time period, no later than 30 calendar days before the date set for the first scheduled case management conference—unless otherwise ordered in a complex case, the parties shall must meet and confer, in person or by telephone, and shall discuss the following, as applicable to the case: to consider each of the issues identified in (e) and, in addition, to consider the following:

- ~~(1)~~ Service of all anticipated parties;
- ~~(2)~~ Related cases;
- ~~(3)~~ Facts that are presently available to support the pleadings filed by each party;
- ~~(4)~~ Injuries;
- ~~(5)~~ Damages;

- (1) Resolving any discovery disputes and setting a discovery schedule;
- (2) Identifying and, if possible, informally resolving any anticipated motions;
- (3) Identifying the facts and issues in the case that are uncontested and may be the subject of stipulation;
- (4) Identifying the facts and issues in the case that are in dispute;
- (5) Determining whether the issues in the case can be narrowed by eliminating any claims or defenses by means of a motion or otherwise;
- (6) ~~Whether the amount in controversy will exceed \$25,000, or whether the case should proceed as economic litigation under Code of Civil Procedure section 90 et seq.;~~
- (7) ~~Alternative dispute resolution, including mediation, arbitration, and neutral case evaluation, as available;~~
- (8) ~~Anticipated law and motion;~~
- (9) ~~Preliminary schedules of discovery;~~
- (10)(6) Possible settlement; and
- (11)(7) Other relevant matters.

(Subd (f) relettered and amended effective July 1, 2002; adopted as subd (b) effective July 1, 1999; previously amended effective January 1, 2000.)

(e)(g) [Case management statement]

- (1) (Timing of statement) No later than ~~5~~ 15 calendar days before the date set for the first scheduled case management conference or review, each party shall must (i) file a case management ~~conference~~ statement with the clerk of the court; (ii) lodge a copy directly in the department of the assigned judge, if any; and (iii) serve the case management conference statement it on all other parties in the case. ~~The case management conference statement shall state that the parties have met and conferred as required by subdivision (b) of this rule, and shall discuss the areas of agreement and disagreement between the parties on each of the required subjects. The statement shall also indicate whether there is an alternative dispute resolution process in which the party would be willing to participate on a voluntary basis.~~

- (2) (Contents of statement) Parties must use the mandatory Case Management Statement (form CM-110). All applicable items on the form must be completed. In lieu of each party filing a separate case management statement, any two or more parties may file a joint statement under this rule.

(Subd (g) relettered and amended effective July 1, 2002; adopted as subd (c) effective July 1, 1999; previously amended effective January 1, 2001.)

- (h) [Stipulation to Alternative Dispute Resolution]** If all parties agree to use an Alternative Dispute Resolution (ADR) process, they must jointly complete the ADR stipulation form provided for under rule 201.9 and file it with the court.

(Subd (h) adopted effective July 1, 2002.)

- (d)(i) [Conference Case management order]** The case management conference shall must be conducted in the manner provided by local rule. The conference judge may The court must prepare and sign enter a conference case management order setting a schedule for subsequent proceedings and otherwise providing for the management of the case. The order should include such provisions as may be appropriate, including: stating, but not limited to the following:

~~(1) — the case is ready to be assigned a definite trial date;~~

(1) Referral of the case to judicial arbitration or some other form of Alternative Dispute Resolution;

(2) A date for completion of the arbitration process or other form of Alternative Dispute Resolution process if the case has been referred to such a process;

(3) In the event that a trial date has not previously been set, a date certain for trial if the case is ready to be set for trial;

(4) Whether the trial will be a jury trial or a nonjury trial;

~~(2)~~(5) The identity of any each party demanding a jury trial;

(6) The estimated length of trial;

~~(3)~~(7) Whether all parties necessary to the disposition of the case have been served or have appeared;

~~(4)~~(8) The dismissal or severance of the unserved or not appearing fictitious or named defendants to be dismissed or severed from the action;

~~(5)(9)~~ The names and addresses of counsel the attorneys who will try the case;

~~(6)(10)~~ The date, time, and place for a mandatory settlement conference as provided in rule 222; and

~~(7) a date certain for trial within the period provided in rule 218 and the time estimated for trial.~~

(11) The date, time, and place for the final case management conference before trial if such a conference is required by the court or the judge assigned to the case;

(12) The date, time, and place of any further case management conferences or review; and

(13) Any additional orders that may be appropriate, including orders on matters listed in (e) and (f).

(Subd (i) relettered and amended effective July 1, 2002; adopted as subd (b) effective January 1, 1985; previously relettered subd (d) effective July 1, 1999.)

(j) [Case management order controls] The order issued after the case management conference or review controls the subsequent course of the action or proceeding unless it is modified by a subsequent order.

(Subd (j) adopted effective July 1, 2002.)

Rule 212 amended effective July 1, 2002; adopted effective January 1, 1985; previously amended effective January 1, 1995, July 1, 1999, January 1, 2000, and January 1, 2001.

Rule 213. Assignment to one judge for all or limited purposes

The presiding judge may, on the noticed motion of a party or on the court's motion, order the assignment of any case to one judge for all or such limited purposes as will promote the efficient administration of justice. ~~In determining the suitability of assignment, the presiding judge shall be guided by the standards recommended in section 19 of the Standards of Judicial Administration.~~

Rule 213 amended effective July 1, 2002; adopted effective January 1, 1985.

Rule 214. Management of short cause cases

(a) [Short cause cases] A short cause case is a civil case in which the time estimated for trial by all parties or the court is five hours or less. All other civil cases are long cause cases.

- (b) [Exemption for short cause case and setting of case for trial] The court may order, upon the stipulation of all parties or the court's own motion, that a case is a short cause case exempted from the requirements of case management review and set the case for trial.
- (c) [Mistrial] If a short cause case is not completely tried within five hours, the judge may declare a mistrial or, in the judge's discretion, may complete the trial. In the event of a mistrial, the case will be treated as a long cause case and must promptly be set either for a new trial or for a case management conference.

Rule 214 adopted effective July 1, 2002.

Rule 215. Date certain for trial

~~Every case shall proceed to trial on the date set or, if necessary, within the next four court days. A case that cannot proceed to trial in the time provided in this rule because of the unavailability of a trial department shall be reset for a date certain and be entitled to priority over other cases set for trial on the same day, except cases entitled to priority by law.~~

Rule 215 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1994.

PART 3. Calendar Management

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 2, Civil Trial Court Management Rules—Part 3, Calendar Management; repealed effective July 1, 2002; adopted effective January 1, 1985.

Rule 216. Setting short causes for trial

~~If a case is a short cause in which the time estimated for trial by all parties is five hours or less and the case is not subject to the Trial Court Delay Reduction Act, the clerk under the supervision of the presiding judge shall assign a time and place for trial as soon as feasible after filing of an at issue memorandum or order deeming the case to be at issue. All other cases are long causes. Short causes may be exempt from any requirement of a case management, settlement, or trial setting conference. If any case is not completely tried within five hours of trial time, including time necessary for reading transcripts, depositions, and other documentary evidence, the judge may declare a mistrial or, in the judge's discretion, may complete the trial. In the event of a mistrial, a new at issue memorandum or order under rule 209 shall be served and filed estimating the time for trial at more than one day, and thereafter the~~

~~case shall be placed on the civil active list in the order in which the new memorandum or order is filed.~~

Rule 216 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1995.

Rule 217. Setting for trial

- (a) ~~[Trial setting conference]~~ A court may assign a time and place for a trial setting conference of all long cause matters not subject to the Trial Court Delay Reduction Act on the civil active list in which a case management conference is not held and for which a date certain for trial may be assigned that is not less than 30 days after the conference. This setting for a trial setting conference shall: (i) be by or under the supervision of the presiding judge; (ii) be in the sequence as nearly as possible in which the cases appear on the civil active list; (iii) give priority to cases entitled to it under the law; and (iv) insofar as feasible assign the same date for trial setting conferences to those cases in which the same attorney appears.
- (b) ~~[Notice]~~ The clerk shall give notice by mail of the time and place of the trial setting conference in each case not subject to the Trial Court Delay Reduction Act to all parties who have appeared.

Rule 217 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1995.

Rule 218. Setting for trial at a trial setting conference

~~Except as otherwise provided in rule 211(c)(3), every case not subject to the Trial Court Delay Reduction Act in which a trial setting conference is held shall be set for trial for a place and time not less than 30 days after the conference, giving priority to cases entitled to it under the law. The court may shorten the time to prevent a dismissal under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the Code of Civil Procedure or for other good cause shown on noticed motion. The setting for trial shall be by the presiding judge or the presiding judge's designee.~~

Rule 218 repealed effective July 1, 2002; adopted effective January 1, 1985; previously amended effective January 1, 1986, January 1, 1995, and July 1, 1995.

Rule 219. Duties of attorneys in respect to trial setting conferences

- (a) ~~[Persons attending]~~ Each party who has appeared in the case shall attend the trial setting conference in person or by counsel. The persons attending shall

~~have sufficient knowledge to represent to the court whether the case is ready for setting and to furnish sufficient information to permit the court to determine if the case is ready to be assigned a date certain for trial.~~

- ~~(b) [Discovery] Each party at the trial setting conference shall be prepared to inform the court as to what discovery has been completed, what further discovery may be required, and when discovery can be completed.~~

Rule 219 repealed effective July 1, 2002; adopted effective January 1, 1985.

Rule 220. Conduct of trial setting conferences

- ~~(a) [Determinations] At the trial setting conference the court shall determine whether the case is ready to be set for trial and, if ready, shall set a time and place for trial and a settlement conference.~~
- ~~(b) [Matters not to be required or determined] The court shall not (1) require any written preconference statement; (2) redetermine or restate the issues made by the pleadings; (3) dismiss fictitious defendants or condition the setting of a trial date upon the dismissal of such fictitious defendants without the consent of all parties; or (4) require the parties to disclose evidence or exhibits.~~
- ~~(c) [Contents of trial setting conference order] The court shall prepare a trial setting conference order in each case set for trial stating~~
- ~~(1) the identity of any party demanding a jury trial;~~
 - ~~(2) all parties necessary to the disposition of the case have been served or have appeared;~~
 - ~~(3) the unserved or not appearing fictitious or named defendants to be dismissed or severed from the action;~~
 - ~~(4) the name of counsel who will actually try the case;~~
 - ~~(5) the time and date of a settlement conference pursuant to rule 222; and~~
 - ~~(6) a date certain for trial and the time estimated for trial.~~

Rule 220 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1991.

Rule 221. Setting for trial in courts having nine or fewer judges

~~Any court with nine or fewer judges shall use the setting procedures provided in rules 217 through 220 unless it provides by local rule that cases shall be set for trial without a trial setting conference. In that event, the court shall at least once a month set for trial as many long cause cases on the civil active list in which no pretrial conference is held as may reasonably be tried during the period involved. The setting for trial shall be by or under the supervision of the presiding judge and shall be in the sequence as nearly as possible in which the cases appear on the civil active list, giving priority to those cases entitled to it under the law. The clerk shall give at least 90 days' notice by mail of the time and place of trial to all parties appearing in any case unless the parties stipulate to an earlier trial date or the court orders the time shortened to prevent a dismissal under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the Code of Civil Procedure or for other good cause shown on noticed motion.~~

Rule 221 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1986.

CHAPTER 3. Settlement and Pretrial Rules

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 3, Settlement and Pretrial Rules; adopted effective July 1, 2002.

Rule 222. Mandatory settlement conferences

- (a) **[Settlement conference before trial]** ~~A mandatory settlement conference may be held in all long cause matters before the date set for trial. On the court's own motion or at the request of any party, the court may set a mandatory settlement conference.~~

(Subd (a) amended effective July 1, 2002; previously amended effective January 1, 1995.)

- ~~(b) **[Other or additional conferences]** On the joint request of all parties or by order of court, other or additional conferences may be held at any time.~~

(Subd (b) repealed effective July 1, 2002.)

- ~~(e)~~**(b) [Persons attending]** Trial counsel, parties, and persons with full authority to settle the case ~~shall~~ **must** personally attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the

party with that consensual authority must be personally present at the conference.

(Subd (b) amended effective July 1, 2002; adopted as subd (c) effective January 1, 1985; previously amended effective January 1, 1995.)

~~(d)~~(c) [Settlement conference statement] No later than five court days before the date set for the settlement conference, each party ~~shall~~ must submit to the court and serve on each party a mandatory settlement conference statement containing a good faith settlement demand and an itemization of economic and non-economic damages by each plaintiff and a good faith offer of settlement by each defendant. The statement ~~shall~~ must set forth and discuss in detail all facts and law pertinent to the issues of liability and damages involved in the case as to that party and comply with any additional requirement imposed by local rule.

(Subd (c) amended effective July 1, 2002; adopted as subd (d) effective January 1, 1985; previously amended effective January 1, 1995.)

Rule 222 amended effective July 1, 2002; adopted effective January 1, 1985; previously amended effective January 1, 1995, and July 1, 2001.

~~Rule 223. Removing and restoring civil active cases~~

~~A case not subject to the Trial Court Delay Reduction Act shall not be removed from the civil active list except by order of court on the court's motion or on a party's noticed motion. A case may be restored to the civil active list only by filing a new at-issue memorandum or by order of court.~~

Rule 223 repealed effective July 1, 2002; adopted effective January 1, 1985; amended effective January 1, 1995.

~~Rule 224. Civil calendar~~

~~Each court shall adopt for civil cases a calendaring system that it determines will advance the goals of caseload management and delay reduction, as set forth in section 2 of the Standards of Judicial Administration.~~

Rule 224 repealed effective July 1, 2002; adopted effective January 1, 1985; previously repealed and adopted effective January 1, 1989.

Rule 225. Duty to notify court and others of settlement or stay

- (a) **[Notice of settlement]** If a case is settled or otherwise disposed of, the plaintiff shall must immediately give file written notice of the settlement or other disposition with the court and serve the notice on any arbitrator or other court-connected ADR neutral involved in the case ~~written notice~~. The plaintiff ~~shall must~~ also immediately give oral notice to all of the above if a hearing, conference, or trial is imminent.

(Subd (a) amended effective July 1, 2002; previously amended effective January 1, 1989, and July 1, 2001.)

- (b) **[Unconditional Dismissal of case]** Except as provided in ~~subdivision (c)~~, the plaintiff shall must file a request for dismissal within 45 days after the date of settlement. If the plaintiff does not file the request for dismissal, the court ~~shall must~~ dismiss the case 45 days after it receives notice of settlement unless good cause is shown why the case should not be dismissed.

(Subd (b) amended effective July 1, 2002; adopted effective January 1, 1989.)

- (c) **[Conditional dismissal settlement]** If the settlement agreement conditions dismissal on the satisfactory completion of specified terms that are not to be performed within 45 days of the settlement, the notice of conditional settlement ~~shall must~~ specify the date by which the dismissal is to be filed. If the plaintiff does not file a request for dismissal within 45 days after the dismissal date specified in the notice, the court ~~shall must~~ dismiss the case unless good cause is shown why the case should not be dismissed.

(Subd (c) amended effective July 1, 2002; adopted effective January 1, 1989.)

- (d) **[Filing notice of stay]** This subdivision applies to cases stayed for the following reasons:

- (1) Order of a federal court or a higher state court;
- (2) Contractual arbitration under section 1281.4 of the Code of Civil Procedure;
- (3) Arbitration of attorney fees and costs under section 6201 of the Business and Professions Code; or
- (4) Automatic stay caused by a filing in another court.

The party ~~that~~ who requested or caused the stay ~~shall must~~ immediately file a notice of the stay and attach a copy of the order or other document ~~staying~~ showing that the proceedings are stayed. If the person who requested or caused the stay has not appeared, or is not subject to the jurisdiction of the court, the plaintiff ~~shall must~~ immediately file a notice of the stay and attach a

copy of the order or other document ~~staying~~ showing that the proceedings are stayed.

When a stay is vacated or is no longer in effect, the party who filed the notice of the stay ~~shall~~ must immediately file a notice that the stay is vacated or is no longer in effect.

(Subd (d) amended effective July 1, 2002; adopted effective January 1, 1989; previously amended effective January 1, 1992.)

Rule 225 amended effective July 1, 2002; adopted effective January 1, 1985; previously amended January 1, 1989, January 1, 1992, and July 1, 2001.

Rule 226. Assigned cases to be tried or dismissed—notification to presiding judge

(a) [Assignment of cases for trial] In a county employing the master calendar, each case transferred to a trial department ~~shall~~ must be tried, ordered off the calendar, or dismissed; unless, for good cause arising after the commencement of the trial, the judge of the trial department continues the case for further hearing or, with the consent of the judge supervising the master calendar, reassigns the case to the judge supervising the master calendar for further disposition.

(Subd (a) relettered and amended effective July 1, 2002; adopted as untitled subdivision effective January 1, 1985.)

(b) [Notification to presiding judge] A judge who has finished or continued the trial of a case or any special matter ~~shall~~ must immediately notify the judge supervising the master calendar. The judge to whose department a cause is assigned for trial or for hearing ~~shall~~ must accept the assignment unless disqualified or, for other good cause stated to the judge supervising the master calendar, the judge supervising the master calendar determines that in the interest of justice the cause should not be tried or heard before the judge. When the judge has refused a cause and is not disqualified, the judge ~~shall~~ must state the reasons in writing unless the judge supervising the master calendar has concurred.

(Subd (b) relettered and amended effective July 1, 2002; adopted as untitled subdivision effective January 1, 1985.)

Rule 226 amended effective July 1, 2002; adopted effective January 1, 1985.

PART 4. CHAPTER 4. Sanctions

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 4, Sanctions; renumbered effective July 1, 2002; adopted as Part 4 of Chapter 2 effective January 1, 1985.

Rule 227 ***

CHAPTER 3 5. Criminal Trial Court Management Rules

Title Two, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 5, Criminal Trial Court Management Rules; renumbered effective July 1, 2002; adopted as Chapter 3 effective January 1, 1985.

Rule 227.1–227.10 ***

CHAPTER 4 6. ~~228–299~~ Other Trial Court Rules

Title 2, Pretrial and Trial Rules—Division I, Rules for the Trial Courts—Chapter 6, Other Trial Court Rules; renumbered and amended effective July 1, 2002; adopted effective January 1, 1949.

Rule 228–270 ***

Rule 298. Telephone appearance

(a)–(b) ***

(c) [Exceptions] A personal appearance is required for the following:

- (1) Settlement conferences ~~and final status conferences~~, unless the court orders otherwise;
- (2) ~~Trial setting~~ Case management conferences, unless the court has provided by local rule or written local policy for telephone appearances for those conferences; and
- (3) Any hearing or conference for which the court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. The court shall make this determination on a case-by-case basis.

(Subd (c) amended effective July 1, 2002; adopted effective July 1, 1998 (former subd (c) relettered as subd (g).)

(d)–(j) ***

Rule 298 amended effective July 1, 2002; adopted effective March 1, 1988; previously amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, and January 1, 2001.

TITLE FIVE. Special Rules for Trial Courts

DIVISION III. Alternative Dispute Resolution Rules for Civil Cases

CHAPTER 1. General Provisions

Title Five, Special Rules for Trial Courts—Division III, Alternative Dispute Resolution Rules for Civil Cases—Chapter 1, General Provisions; adopted effective January 1, 2001.

Rule 1580. Definitions

As used in this division:

(a) ***

(b) “General civil case” means all limited and unlimited civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims proceedings, unlawful detainer proceedings, and other civil petitions as defined by the Judicial Branch Statistical Information System Data Collection Standards.

(Subd (b) amended effective July 1, 2002.)

(c) ***

Rule 1580 amended effective July 1, 2002; adopted effective January 1, 2001.

CHAPTER 2. ~~ADR Information and Stipulations~~ [Reserved]

Title Five, Special Rules for Trial Courts—Division III, Alternative Dispute Resolution Rules for Civil Cases—Chapter 2, [Reserved]; amended effective July 1, 2002; adopted effective January 1, 2001.

~~Rule 1590. Applicability~~

~~Except as otherwise provided in these rules, the rules in this chapter apply to all general civil cases filed in the trial courts after June 30, 2001.~~

Rule 1590 repealed effective July 1, 2002; adopted effective January 1, 2001.

~~Rule 1590.2. Meet and confer~~

- ~~(a) [Meet and confer requirement] In any court that does not hold case management conferences, if there has not been a default by all defendants, counsel for all the parties that have appeared shall meet and confer, in person or by telephone, no later than 90 days after the filing of the complaint and shall discuss ADR, including mediation, arbitration, and neutral case evaluation (as available) as well as possible settlement.~~
- ~~(b) [Post meet and confer statement] Within 30 days after having met and conferred as required by subdivision (a) of this rule, the parties shall file a joint statement with the court indicating that they have complied with this provision and discussing areas of agreement or disagreement between the parties concerning voluntary participation in an ADR process.~~

Rule 1590.2 repealed effective July 1, 2002; adopted effective January 1, 2001.

~~Rule 1590.3. Stipulation to ADR~~

~~If all parties agree to use an ADR process, they shall jointly complete the ADR stipulation form provided for under rule 1590.1 and file it with the court.~~

Rule 1590.3 repealed effective July 1, 2002; adopted effective January 1, 2001.

TITLE FIVE. Special Rules for Trial Courts

DIVISION VIb. Rules for Fax and Electronic Filing and Service

Title Five, Special Rules for Trial Courts—Division VIb, Rules for Fax and Electronic Filing and Service amended effective July 1, 2002; adopted as Division VI effective March 1, 1992; renumbered effective January 1, 2002.

CHAPTER 1. Fax Filing and Service Rules

Title Five, Special Rules for Trial Courts—Division VIb, Rules for Fax and Electronic Filing and Service—Chapter 1, Fax Filing and Service Rules; adopted effective July 1, 2002.

CHAPTER 2. Electronic Filing and Service Rules [Reserved]

Title Five, Special Rules for Trial Courts—Division VIb, Rules for Fax and Electronic Filing and Service—Chapter 2, Electronic Filing and Service Rules; adopted effective July 1, 2002.

CHAPTER 3. Public Access to Electronic Trial Court Records

Title Five, Special Rules for Trial Courts—Division VIb, Rules for Fax and Electronic Filing and Service—Chapter 3, Public Access to Electronic Trial Court Records; adopted effective July 1, 2002.

Rule 2070. Statement of purpose

- (a) [Intent]** The rules in this chapter are intended to provide the public with reasonable access to trial court records that are maintained in electronic form, while protecting privacy interests.
- (b) [Benefits of electronic access]** Improved technologies provide courts with many alternatives to the historical paper-based record receipt and retention process, including the creation and use of court records maintained in electronic form. Providing public access to trial court records that are maintained in electronic form may save the courts and the public time, money, and effort and encourage courts to be more efficient in their operations. Improved access to trial court records may also foster in the public a more comprehensive understanding of the trial court system.
- (c) [No creation of rights]** These rules are not intended to give the public a right of access to any record that they are not otherwise entitled to access.

Rule 2070 adopted effective July 1, 2002.

Advisory Committee Comment

The rules acknowledge the benefits that electronic court records provide but attempt to limit the potential for unjustified intrusions into the privacy of individuals involved in litigation that can occur as a result of remote access to electronic court records. The proposed rules take into account the limited resources currently available in the trial courts. It is contemplated that the rules may be modified to provide greater electronic access as the courts' technical capabilities improve, and with the knowledge gained from the experience of the courts in providing electronic access under these rules.

Rule 2071. Authority and applicability

- (a) [Authority]** The rules in this chapter are adopted under the authority granted to the Judicial Council by article VI, section 6 of the California Constitution and Code of Civil Procedure section 1010.6.
- (b) [Applicability]** The rules in this chapter apply only to trial court records.
- (c) [Access by parties and attorneys]** The rules in this chapter apply only to access to court records by the public. They do not limit access to court records by a party to an action or proceeding, by the attorney of a party, or by other persons or entities that are entitled to access by statute or California Rules of Court.

Rule 2071 adopted effective July 1, 2002.

Rule 2072. Definitions

- (a) [Court record]** As used in this chapter, “court record” is any document, paper, or exhibit filed by the parties to an action or proceeding; any order or judgment of the court; and any item listed in subdivision (a) of Government Code section 68151, excluding any reporter’s transcript for which the reporter is entitled to receive a fee for any copy. The term does not include the personal notes or preliminary memoranda of judges or other judicial branch personnel.
- (b) [Electronic record]** As used in this chapter, “electronic record” is a computerized court record, regardless of the manner in which it has been computerized. The term includes both a document that has been filed electronically and an electronic copy or version of a record that was filed in paper form. The term does not include a court record that is maintained only on microfiche, paper, or any other medium that can be read without the use of an electronic device.
- (c) [The public]** As used in this chapter, “the public” is an individual, a group, or an entity, including print or electronic media, or the representative of an individual, a group, or an entity.
- (d) [Electronic access]** “Electronic access” means computer access to court records available to the public through both public terminals at the courthouse and remotely, unless otherwise specified in these rules.

Rule 2072 adopted effective July 1, 2002.

Rule 2073. Public access

- (a) **[General right of access]** All electronic records must be made reasonably available to the public in some form, whether in electronic or in paper form, except those that are sealed by court order or are made confidential by law.
- (b) **[Electronic access required to extent feasible]** A court that maintains the following records in electronic form must provide electronic access to them, both remotely and at the courthouse, to the extent it is feasible to do so.
- (1) Register of actions (as defined in Gov. Code, § 69845), calendars, and indexes; and
 - (2) All records in civil cases, except those listed in (c).
- (c) **[Courthouse electronic access only]** A court that maintains the following records in electronic form must provide electronic access to them at the courthouse, to the extent it is feasible to do so, but may provide remote electronic access only to the records governed by (b)(1):
- (1) Any record in a proceeding under the Family Code, including, but not limited to, proceedings for dissolution, legal separation, and nullity of marriage; child and spousal support proceedings; and child custody proceedings;
 - (2) Any record in a juvenile court proceeding;
 - (3) Any record in a guardianship or conservatorship proceeding;
 - (4) Any record in a mental health proceeding;
 - (5) Any record in a criminal proceeding; and
 - (6) Any record in a civil harassment proceeding under Code of Civil Procedure section 527.6.
- (d) **["Feasible" defined]** The requirement that a court provide electronic access to its electronic records "to the extent it is feasible to do so" means that a court is required to provide electronic access to the extent it determines it has the resources and technical capacity to do so.
- (e) **[Access only on case-by-case basis]** A court may only grant electronic access to an electronic record when the record is identified by the number of the case, the caption of the case, or the name of a party, and only on a case-

by-case basis. This case-by-case limitation does not apply to a calendar, register of actions, or index.

- (f) [Bulk distribution]** A court may provide bulk distribution of only its electronic calendar, register of actions, and index. “Bulk distribution” means distribution of all, or a significant subset, of the court’s electronic records.
- (g) [Records that become inaccessible]** If an electronic record to which the court has provided electronic access is made inaccessible to the public by court order or by operation of law, the court is not required to take action with respect to any copy of the record that was made by the public before the record became inaccessible.
- (h) [Off-site access]** Courts should encourage availability of electronic access to court records at public off-site locations.

Rule 2073 adopted effective July 1, 2002.

Advisory Committee Comment

The rule allows a level of access to all electronic records that is at least equivalent to the access that is available for paper records and, for some types of records, is much greater. At the same time, it seeks to protect legitimate privacy concerns.

Subdivision (c) excludes certain records (those other than the register, calendar, and indexes) in specified types of cases from remote electronic access. The committee recognized that while these case records are public records and should remain available at the courthouse, either in paper or electronic form, they often contain sensitive personal information. The court should not publish that information over the Internet.

Subdivisions (e) and (f) limit electronic access to records (other than the register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records. These limitations are based on the qualitative difference between obtaining information from a specific case file and obtaining bulk information that may be manipulated to compile personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or other purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.

Rule 2074. Limitations and conditions

- (a) [Means of access]** A court must provide electronic access by means of a network or software that is based on industry standards or is in the public domain.
- (b) [Official record]** Unless electronically certified by the court, a trial court record available by electronic access does not constitute the official record of the court.

(c) [Conditions of use by persons accessing records] A court may condition electronic access to its records on (1) the user's consent to access the records only as instructed by the court and (2) the user's consent to the court's monitoring of access to its records. A court must give notice of these conditions, in any manner it deems appropriate. The court may deny access to a member of the public for failure to comply with any of these conditions of use.

(d) [Notices to persons accessing records] A court must give notice of the following information to members of the public accessing its electronic records, in any manner it deems appropriate:

- (1) The court staff member to contact about the requirements for accessing the court's records electronically.
- (2) That copyright and other proprietary rights may apply to information in a case file absent an express grant of additional rights by the holder of the copyright or other proprietary right. The notice should indicate that (A) use of such information is permissible only to the extent permitted by law or court order and (B) any use inconsistent with proprietary rights is prohibited.
- (3) Whether electronic records constitute the official records of the court. The notice should indicate the procedure and any fee required for obtaining a certified copy of an official record of the court.
- (4) Any person who willfully destroys or alters any court record maintained in electronic form is subject to the penalties imposed by Government Code section 6201.

(e) [Access policy] A court must post a privacy policy on its public-access Web site to inform members of the public accessing its electronic records of the information it collects regarding access transactions and the uses that the court may make of the collected information.

Rule 2074 adopted effective July 1, 2002.

Rule 2075. Contracts with vendors

A court's contract with a vendor to provide public access to its electronic records must be consistent with these rules and must require the vendor to provide public access to court records and to protect the confidentiality of court records as required by law or by court order. Any contract between a court and a vendor to provide public access to the court's records maintained in electronic form must specify that

the court is the owner of these records and has the exclusive right to control their use.

Rule 2075 adopted effective July 1, 2002.

Rule 2076. Fees for electronic access

A court may impose fees for the costs of providing public access to its electronic records, as provided by Government Code section 68150(h). On request, a court must provide the public with a statement of the costs on which these fees are based. To the extent that public access to a court's electronic records is provided exclusively through a vendor, the court must ensure that any fees the vendor imposes for the costs of providing access are reasonable.

Rule 2076 adopted effective July 1, 2002.

APPENDIX TO THE CALIFORNIA RULES OF COURT

DIVISION I. Standards of Judicial Administration Recommended by the Judicial Council

~~Sec. 38. Access to electronic records~~

~~(a) — [Intent] Improved technologies provide courts with many alternatives to the historical paper-based record receipt and retention process, including the creation and use of electronic records. Access to trial courts' electronic records can save the public time, money, and effort and encourage the courts to be efficient in their operations. Improved access to court records may also foster a more comprehensive understanding of the trial court system. Because of such benefits, trial courts are encouraged to explore possibilities for creating electronic court records and to offer public access to such records if their resources permit. Such access should not harm legitimate privacy interests or compromise protections established by law or court order.~~

~~(b) — [Definitions] The following definitions apply to this standard:~~

- ~~(1) — A "record" is any information that is part of an official case file of a court, that constitutes court action, or that otherwise reflects an official action of a court. Records include those items listed in Government Code section 68151(a). Records do not include personal notes or preliminary memoranda of judges or other judicial branch personnel.~~
- ~~(2) — An "electronic record" is any record that is accessible electronically, regardless of how it was created. The term does not include records on~~

~~microfiche, paper, or any other medium that can be read without the use of an electronic or mechanical device.~~

~~(3) “Access” is the ability to obtain or make use of electronic records by any means.~~

~~(4) “Public access” is access that is not restricted by law or an order of the court.~~

~~(5) A “summary report” is a compilation of public records that is produced in the ordinary course of business.~~

~~(c) [Scope] This standard applies only to public access to the electronic records that trial courts prepare, own, use, or retain. The standard does not apply to electronic access by a person who is a party to a case or the attorney of such a person, the electronic filing of documents, or the electronic distribution of any court calendar records. A court should not grant access to an electronic record that is sealed, is made confidential, or is required to be expunged after a time or event determined by law or an order of the court. Cases involving family law, child support, juvenile law, mental health, probate, criminal law, or public offenses, as they are defined in Penal Code section 15, should not be included in electronic records made available through remote access.~~

~~(d) [Policies] The objective of this standard is to provide a trial court (“a court”) with a reasonable framework for providing public access (“access”) to its electronic records.~~

~~(1) (Electronic records) A court should grant access to an electronic record only when the record is identified by the name or number of a case and only on a case-by-case basis. A court need not grant access to all or part of an electronic record if access is not feasible because of the court’s resource limitations.~~

~~(2) (Summary reports) A court may provide access to electronic versions of summary reports.~~

~~(3) (Direct electronic access for the public) Direct electronic access to court records should be reasonably available to the public remotely, through the Internet, or by means of software based on industry standards or in the public domain. When feasible, remote access should be available at public off-site locations such as public libraries. Access should also be available at public terminals at the courthouse.~~

~~(4) (Contracts with vendors) A court that elects to contract with a vendor to release its records electronically should, in accordance with these policies, require the vendor to protect confidentiality as required by law~~

~~or court order and should provide the public with direct electronic access to such records without requiring access through the vendor.~~

~~(5) — (Disclaimers) As appropriate, a court should provide disclaimers regarding the accuracy of its electronic records.~~

~~(6) — (Information on access) A court that provides access to its electronic records should provide the public with information on the requirements for access.~~

~~(e) — [Evaluation] Any trial court that provides public access to its electronic records should submit to the Judicial Council a copy and an evaluation of its access policies as directed by the council.~~

Sec. 38 repealed effective July 1, 2002; adopted effective January 1, 1999.